

Notice of Allowability

Application No.

09/883,954

Examiner

Thomas M. Ho

Applicant(s)

KASAI ET AL.

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/7/05.
2. ☒ The allowed claim(s) is/are 1-4 and 7.
3. ☒ The drawings filed on 6/20/01 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6/20/01, 12/13/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. The amendment of 2/7/05 has been received and entered.
2. Claims 1-7 are pending. Claims 5, 6 have been canceled.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Eckhard Kuesters on 4/25/05.

Claims 1-4, 7 are as presented in the amendment of 2/7/05.

Claims 5 and 6 have been canceled.

Reasons for Allowance

3. Previously the Examiner rejected the first independent claim with Sherer et al. (Column 2, lines 49-62) to meet the particular claimed limitation "Transmitting a plurality of verification signals corresponding to the respective unit data sets from the sender station to itself and receiving the verification signals at the sender station"

The Examiner notes that Sherer et al. states "A receiving station adaptor ignores the garbled transmission, while a transmitting station adaptor that detected the collision waits a period of time."

In order for Sherer et al. to be able to detect the collision after sending it, the Examiner reasoned that inherently, the sending apparatus must receive some signal to detect that the signal had been jammed. Thus, the sender, sending out the signal and detecting the signal had a collision, was broadly construed as sending and receiving a signal at the sender station itself.

Such interpretation is unreasonable however because the signal of Sherer et al. was not intended to be transmitted to itself. The transmission was initially intended to goto another party.

Detection of failed transmission of that signal was interpreted as the transmission back to itself. However, a transmission of a signal and the detection of its jamming would likely involve a different signal altogether. In light of this, the Examiner reverses his position that Sherer et al. discloses the particular claimed limitation.

For this reason, claims 1-4 are held to be allowable.

Claim 7 is substantially similar to claim 1, and is allowable.

Conclusion

4. Any inquiry concerning this communication from the examiner should be directed to Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be

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reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,
Gregory A. Morse can be reached on (571)272-3838.


The Examiner may also be reached through email through Thomas.Ho6@uspto.gov

Any inquiry of a general nature or relating to the status of this application or proceeding should
be directed to the receptionist whose telephone number is (571)272-2100.

General Information/Receptionist	Telephone: 571-272-2100	Fax: 703-872-9306
Customer Service Representative	Telephone: 571-272-2100	Fax: 703-872-9306

TMH

April 30th, 2005


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
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